

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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CIVIL ACTION  
NO. 05 10307 JLT

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
VERMONT MUTUAL INSURANCE COMPANY )  
as subrogee of TIMOTHY D. STEIN and )  
WAYNE ROLF )  
Plaintiff, )  
v. )  
DAVID'S FLOOR SERVICE, INC. )  
and )  
MIN DANG, d/b/a )  
DAVID'S FLOOR SERVICE, )  
and )  
MUOI BUI a/k/a MUOI PHAM, )  
as Administratrix of the Estate of )  
Toan Bui, d/b/a BLESS HARDWOODS )  
Defendants )

ANSWER AND JURY CLAIM OF THE DEFENDANTS  
MINH DANG AND DAVID'S FLOOR SERVICE INC.  
TO PLAINTIFF'S AMENDED COMPLAINT

1. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
2. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
3. Admitted.
4. Admitted that Minh Dang is a resident of Massachusetts. Denied that he did business as David's Floor Service.

5. Admitted.
6. Admitted.
7. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
8. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
9. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
10. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
11. Admitted insofar as the allegation pertains to David's Floor Service, Inc.; denied as to Minh Dang d/b/a.
12. Admitted as to David's Floor Service, Inc.
13. Admitted as to David's Floor Service, Inc. to the extent that a Harco sealer would most likely be used and that the sealer was flammable; denied as to the remainder of the allegation.
14. Denied.
15. Admitted only as to David's Floor Service, Inc. and Bless Hardwoods.
16. Admitted that there was a fire at the property; defendants are unsure as to whether there was an explosion.
17. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

18. The defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

Count I

19. The defendants incorporate by reference their responses to the preceding allegations.
20. Denied.
21. Denied.

Count II

22. The defendants incorporate by reference their responses to the preceding allegations.
23. Denied.
24. Denied.

Count III

25. The defendants incorporate by reference their responses to the preceding allegations.
26. Admitted that a third-party complaint has been filed which alleges that the fire was due to the negligent conduct of Toan Bui d/b/a/ Bless Hardwoods.
27. No response is required as these allegations are not directed at Minh Dang d/b/a or David's Floor Service Inc.
28. No response is required as these allegations are not directed at Minh Dang d/b/a or David's Floor Service Inc.

First Affirmative Defense

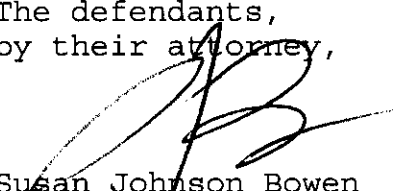
Count II of the Complaint should be dismissed as no such entity "Minh Dang d/b/a David's Floor Service", exists.

Jury Claim

The defendants Minh Dang d/b/a David's Floor Service and David's Floor Service Inc. claim a trial by jury as to all issues.

The defendants,  
by their attorney,


Date: March 8, 2006



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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document on the parties to this case by mailing a copy hereof, postage prepaid, to Patrick J. Loftus, Esq., LAW OFFICE OF PATRICK J. LOFTUS, No. 9 Park Street, Suite 500, Boston, MA 02108 and James, P Cullen, Jr., Esq., COZEN O'CONNOR, 1900 Market Street, The Atrium-Third Floor, Philadelphia, PA 19103 and Timothy R. Roche, Esq., MONAHAN & ASSOCIATES, 113 Union Wharf East, Boston, MA 02109 on March 8, 2006.



Susan Johnson Bowen